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BEFORE THE ARIZONA CORPORATION COMMISSION**COMMISSIONERS**

Arizona Corporation Commission

DOCKETED

APR - 7 2011

GARY PIERCE - Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF
MARGLEN INC. DBA FAMOUS SAM'S #15
FOR APPROVAL TO CANCEL ITS
CERTIFICATE OF CONVENIENCE AND
NECESSITY.

DOCKET NO. T-02959A-11-0053

DECISION NO. 72245**ORDER**

Open Meeting
March 29 and 30, 2011
Phoenix, Arizona

BY THE COMMISSION:

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

FINDINGS OF FACT

1. In Commission Decision No. 59335 (May 15, 1995), the Commission granted Marglen Inc. dba Famous Sam's #15 ("Famous Sam's" or "Applicant") a Certificate of Convenience and Necessity ("CC&N") to provide customer owned pay telephone ("COPT") service in Arizona.

2. On January 31, 2011, Famous Sam's filed an application with the Commission requesting approval to cancel its CC&N to provide COPT service in Arizona.

3. On February 24, 2011, the Commission's Utilities Division ("Staff") filed a Memorandum in this docket, in which Staff recommends approval of the application.

4. Staff contacted Mark Rhude, who is the president of Marglen Inc. Mr. Rhude indicated to Staff that Famous Sam's has not done business in Arizona since November 2009, and that Famous Sam's waives its right to a hearing in this matter.

5. Staff's Compliance Section shows no compliance delinquencies.

6. Staff's Consumer Services Section shows no complaints, inquiries, or opinions filed

1 against Famous Sam's.

2 7. Applicant is in good standing with the Commission's Corporations Division.

3 8. Staff recommends approval of the application.

4 9. Staff's recommendation for approval of Famous Sam's application for cancellation of
5 its CC&N is reasonable and should be adopted.

6 **CONCLUSIONS OF LAW**

7 1. Marglen Inc. dba Famous Sam's #15 is a public service corporation within the
8 meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

9 2. The Commission has jurisdiction over Marglen Inc. dba Famous Sam's #15 and the
10 subject matter of the application.

11 3. The cancellation of Marglen Inc. dba Famous Sam's #15's CC&N to provide customer
12 owned pay telephone services in Arizona is in the public interest.

13 4. Marglen Inc. dba Famous Sam's #15 waived its right to notice and a hearing in this
14 matter.

15 5. Staff's recommendation is reasonable and should be adopted.

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ORDER

IT IS THEREFORE ORDERED that the Certificate of Convenience and Necessity granted to Marglen Inc. dba Famous Sam's #15 in Commission Decision No. 59335 (May 15, 1995) to provide customer-owned pay telephone service in Arizona is hereby cancelled.

IT IS FURTHER ORDERED that Marglen Inc. dba Famous Sam's #15 is no longer authorized to provide customer owned pay telephone services in Arizona, and is no longer subject to any of the requirements of Decision No. 59335.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.


CHAIRMAN


COMMISSIONER


COMMISSIONER


COMMISSIONER


COMMISSIONER

IN WITNESS WHEREOF, I, ERNEST G. JOHNSON, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 7th day of April, 2011.


ERNEST G. JOHNSON
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

TMJ:db

1 SERVICE LIST FOR: MARGLEN INC. DBA FAMOUS SAM'S #15

2 DOCKET NO.: T-02959A-11-0053

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5 Janice Alward, Chief Counsel
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6 ARIZONA CORPORATION COMMISSION
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8 Steven M. Olea, Director
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